

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner is disabled and lives by himself. He applied for Food Stamps in August 2008.
2. In a decision dated September 6, 2008 the Department found the petitioner eligible for Food Stamps as of the date of his application, but determined that his countable income made him eligible for an allotment of only \$14 a month.
3. The petitioner does not dispute the Department's determination that his income is \$702 a month from a pension and \$7 a month in SSI. He does not qualify for a shelter deduction because his rent (apparently subsidized at \$213 a

month, including fuel and utilities) does not exceed half of his income. However, it appears that as of November 1, 2008 the petitioner has been found eligible for fuel assistance. This will make him categorically eligible for a "standard" fuel and utilities deduction in addition to his rent. The Department has informed the petitioner that his Food Stamps will be recalculated as of November 1 to reflect this additional deduction.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations include all unearned income in the computation of eligibility and benefit levels. See Food Stamp Manual (F.S.M.) § 273.9(b). Deductions from income are limited to those specifically itemized in the regulations. F.S.M. § 273.9(d). There is no dispute that the petitioner's present shelter expenses, rent that includes fuel and utilities, are \$213 a month. Under the regulations, individuals who are eligible for fuel assistance can receive an additional "standard" fuel and utility deduction. F.S.M. § 273.9(d)(6)(ii). As noted above, the petitioner will not become eligible for fuel assistance until November 2008, and

he is not eligible to receive the standard fuel and utility deduction until then. Thus, it appears that the Department correctly calculated his net income as of the date of his application.

Under the regulations the Food Stamp allotment for a household of one with \$709 in income is \$14. Procedures Manual § 2590D. Inasmuch as the Department's decision in this matter accurately reflects the petitioner's countable income and expenses as of August 2008, and is in accord with the applicable regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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